

REMARKS

Claims 1-3, 8-23, and 30-45 are rejected as indefinite for failing to recite a final process step which refers to the preamble. Claims 1 and 2 have been amended to recite a final step which corresponds to the preamble. Claim 3 already contains such a final step (“identifying a test agent as a candidate drug if...”). All other claims are dependent and therefore contain the final step of the claims from which they depend.

Claims 1-3 are also said to be indefinite in their description of cell samples. Claims 1 and 2 have been amended to clarify any ambiguity. Claim 3 did not contain the language which was allegedly confusing (*i.e.*, comprises /consists essentially of).

The examiner correctly construes claims 5-9 as having correct antecedent basis. Nonetheless, claims 3, 5, and 9 have been amended to recite “one or more genes of the set of genes” to clarify any potential ambiguity.

Claim 17, 44, and 45 were amended as not further limiting claims 1-3. Claims 18-23 were amended to clarify that the set further comprises an additional gene in addition to the elected set of genes. The elected claim set is still present in claims 18-23. Claims 1-3 recite an open-ended set, *i.e.*, “a set comprising” Claims 18-23 merely specify one of the unspecified genes of the set. This does not violate the restriction requirement because the elected species is still present in the set of genes.

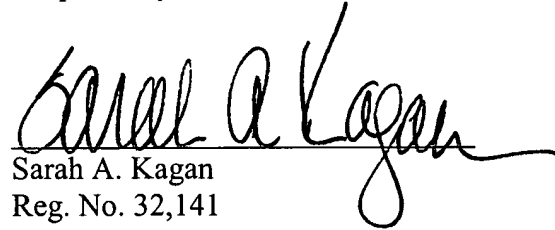
Claims 30-36 recite numbers of genes greater than the number in the elected group of claims. Again, since independent claims recite “a set of genes comprising...” it is not inconsistent that a dependent claim would recite a larger number of genes. Claims 30-36 refer to the total number of genes whose expression level is determined. The total number of genes includes those recited by name in claims 1-3. The amendment clarifies this construction.

It is respectfully submitted that all claims are now in condition for allowance.
The amendments were not made sooner because they respond to newly imposed
rejections in the final office action.

Respectfully submitted,

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